

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|----------------------------|---|--------------------------|
| ROBERSON EXCAVATION, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. 1:15-cv-939-WKW |
| |) | [WO] |
| DALE COUNTY WATER |) | |
| AUTHORITY, |) | |
| <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

CDG Engineers and Associates, Inc.'s Motion to Dismiss Dale County Water Authority's Cross-Claim (Doc. # 59) has been rendered moot by the unopposed filing of the First Amended Cross Claim of DCWA against CDG (Doc. # 72), as CDG anticipated (Doc. # 69, at 2). Accordingly, it is ORDERED that the motion to dismiss (Doc. # 59) is DENIED as moot without prejudice to reassert applicable arguments as they pertain to the amended cross-claim.

DONE this 28th day of February, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE